

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KEVIN B. HARRIS,

Plaintiff,

V.

**DOUGLAS COUNTY SHERIFF'S
DEPARTMENT,**

Defendant.

8:07CV395

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's Motion to Amend Complaint (Filing No. 12) and Motion for Discovery (Filing No. 13). In the court's January 16, 2008, Memorandum and Order, Plaintiff was given leave to file an amended complaint. (Filing No. 11.) Plaintiff did not file an amended complaint. Rather, Plaintiff seeks leave to file an amended complaint which adds claims and parties and dismisses claims and parties. The court will permit Plaintiff one additional opportunity to amend his Complaint. Plaintiff is cautioned that any amended complaint must fully comply with the court's January 15, 2008, Memorandum and Order. Further, any amended complaint shall fully restate the allegations of Plaintiff's current Complaint (Filing No. 1), Plaintiff's Motion to Amend Complaint (Filing No. 12) and any new allegations. Failure to consolidate all claims into one document will result in the abandonment of claims.

In his Motion for Discovery, Plaintiff seeks to conduct discovery in order to determine the names of the employees who transported him. (Filing No. 13.) However, at this time, there is no valid complaint on file and therefore no entity from which to obtain that discovery. Therefore, Plaintiff's Motion for Discovery is denied without prejudice to reassertion after amendment of the Complaint as set forth in this Memorandum and Order.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Amend Complaint (Filing No. 12) is granted. No later than April 14, 2008, Plaintiff shall file an amended complaint in accordance with the court's January 16, 2008 Memorandum and Order. Any amended complaint shall fully restate the allegations of Plaintiff's current Complaint (Filing No. 1), Plaintiff's Motion to Amend Complaint (Filing No. 12) and any new allegations. Failure to consolidate all claims into one document will result in the abandonment of claims;
2. The Clerk of the court is directed to set a pro se case management deadline in this case with the following text: April 14, 2008: check for amended complaint;
3. The Clerk of the court shall send a copy of Filing No. 11 to Plaintiff at his last known address; and
4. Plaintiff's Motion for Discovery (Filing No. 13) is denied without prejudice to reassertion after amendment of the Complaint.

DATED this 17th day of March, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge